

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2003P14389WO	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/010902	International filing date (<i>day/month/year</i>) 29.09.2004	Priority date (<i>day/month/year</i>) 30.09.2003
International Patent Classification (IPC) or national classification and IPC H01H71/14		
Applicant SIEMENS AKTIENGESELLSCHAFT		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising: a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of <u>2</u> sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-6 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1-13 _____ received by this Authority on 29.07.2005 with letter of 27.07.2005
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/3-3/3 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	<u>2-13</u>	YES
	Claims	<u>1</u>	NO
Inventive step (IS)	Claims	<u></u>	YES
	Claims	<u>1-13</u>	NO
Industrial applicability (IA)	Claims	<u>1-13</u>	YES
	Claims	<u></u>	NO
2. Citations and explanations (Rule 70.7)			
<p>1. This report makes reference to the following document:</p> <p>D1: DE 607 795 C (SIGWART RUPPEL DIPL ING), 8 January 1935 (1935-01-08)</p> <p>2. The expressions "in which stored energy is converted into a fast switching motion in order to active a switching member" and "in which energy which is electrically stored or tapped from the energy supply grid" used in claim 1 contradict one another. It does not appear meaningful first to define the energy accumulator as a feature and then to mention this feature as being only optional.</p> <p>Moreover, it is unclear how a gaseous medium could be evaporated. Although a temperature increase leads to higher pressures in gaseous media, a phase change caused by evaporation no longer occurs. In the characterising part, however, evaporation is mentioned as the only physical effect used for generating gas pressure.</p>			

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p>As a result, the definition of the subject matter of these claims is unclear (PCT Article 6).</p> <p>3. The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 1 is not novel (PCT Article 33(2)). Document D1 discloses (the references in parentheses are to that document):</p> <p>a drive for switching appliances in which stored energy is converted into a fast switching motion for activating a switching member (see objection on the grounds of lack of clarity), a directly or indirectly generated pressure being used for actuating the switching member (1, 3), controlled energy conversion based on a spark discharge (see page 3, lines 19-27) being used in order to evaporate a fluid, i.e. a liquid or gaseous medium, by electric discharge, energy stored or tapped from the energy supply grid (the electric arc of the contact section is used) being used for that purpose; and the gas pressure produced by evaporation acting upon the switching member (see page 1, line 50 - page 2, line 42: although gas pressure is mentioned as only one of several forces used for switching, steam is used not only for arc quenching, but also for initiating the switching motion, by virtue of its steam power).</p> <p>4. The dependent claims do not appear to contain any</p>

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p>additional features which, in combination with the features of any claim to which they refer, could lead to subject matter involving an inventive step. The features of the claims are only some of several obvious possibilities from which a person skilled in the art would choose according to the circumstances in order to solve the stated problem, without an inventive input.</p>